

AN AMENDED RESOLUTION

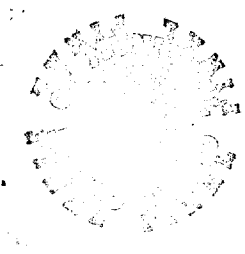
BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF JOSEPH JOYCE v. CITY OF ATLANTA and TERRY L. MULKEY, IN THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, CIVIL ACTION FILE NO. 1:04-CV-0262-JOF, IN THE AMOUNT OF \$50,000.00; SAID PAYMENT IS TO BE CHARGED TO AND PAID FROM FUND 1A01 (GENERAL FUND), ACCOUNT 529017 (PROPERTY LIQUIDATION) AND CENTER NUMBER T31001 (NON-DEPARTMENTAL) AND FOR OTHER PURPOSES.

WHEREAS, on January 30, 2004, the Plaintiff initiated the case of Joseph Joyce v. City of Atlanta and Terry L. Mulkey, alleging that the Defendants are liable for damages resulting from Mr. Joyce's arrest on or about January 31, 2002; and

WHEREAS, on or about January 31, 2002, at or near midnight, Defendant Officer Terry L. Mulkey (accompanied by at least four other APD officers, all of whom were on duty) confiscated a portable basketball goal belonging to Plaintiff Joseph Joyce from the cul de sac in front of his house; and

WHEREAS, the APD Officers were driving a caravan of three unmarked vehicles and were, with one exception, wearing plain clothes; and



WHEREAS, Mr. Joyce observed his basketball goal being taken at or about midnight and, allegedly believing it was being stolen, pursued the caravan of unmarked vehicles; and

WHEREAS, after he pursued and encountered the officers, Mr. Joyce was placed under arrest by Officer Mulkey; and

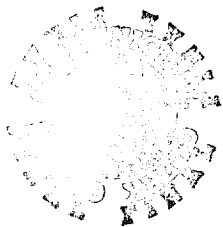
WHEREAS, it is undisputed that, incident to his arrest, Mr. Joyce was "pepper sprayed" by Officer Mulkey in the presence of other APD officers; and

WHEREAS, Mr. Joyce was transported to the City of Atlanta Detention Center, where he spent approximately ten (10) hours; and

WHEREAS, the charges relied on to support Mr. Joyce's arrest (obstruction and violation of Section 138-12 of the City of Atlanta Code of Ordinances) were dismissed; and

WHEREAS, Mr. Joyce alleges causes of action for excessive use of force and unlawful arrest in violation of his Constitutional rights, false arrest, false imprisonment, and malicious prosecution; and

WHEREAS, Mr. Joyce seeks actual, compensatory, punitive, and exemplary damages for loss of liberty and extreme pain and suffering, as well as attorney's fees in connection with the civil suit; and



WHEREAS, should Plaintiff prevail in this matter, he is entitled by law to recover his reasonable attorneys' fees; and

WHEREAS, counsel for the parties have tentatively agreed to resolve all claims in this matter for a total of \$50,000.00, including attorney's fees, contingent upon the approval of the Atlanta City Council and the Mayor; and

WHEREAS, by this settlement, Defendants admit no liability; and

WHEREAS, the offer of settlement acceptable to the Plaintiff is, in the opinion of the City Attorney, appropriate to settle all claims against the City and Officer Mulkey arising out of the case of Joseph Joyce v. City of Atlanta and Terry L. Mulkey.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the City Attorney be and is hereby authorized to conclude settlement of all claims against the City of Atlanta and Officer Terry L. Mulkey arising out of the lawsuit filed by the Plaintiff in the United States District Court for the Northern District of Georgia, as set forth in Civil Action Number 1:04-CV-0262-JOF.

THE CITY COUNCIL FURTHER RESOLVES that the Chief Financial Officer is authorized to pay the total of Fifty Thousand Dollars (\$50,000.00) at the direction of the City Attorney. Said payment is to be charged to and paid from Fund 1A01 (General Fund), Account 529017



(Property Liquidation) and Center Number T31001 (Non-Departmental) and for other purposes. Payment shall be in the form of a check in the amount of \$50,000.00, payable to Joseph Joyce and Parks, Chesin & Walbert, P.C. Such payment will be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers.

A true copy,


Deputy Clerk

ADOPTED as amended by Council
APPROVED by the Mayor

July 6, 2004
July 14, 2004

RCS# 5880
7/06/04
3:18 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 1-9, EXCEPT:04-R-1187
 04-R-1179 04-R-1143 03-O-1690
 ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
Y Starnes	Y Archibong	NV Muller	Y Maddox	Y Norwood
NV Young	Y Fauver	Y Moore	Y Mosley	Y Willis

CONSENT I

7-06-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1036 2. 04-O-1037 3. 04-O-1038 4. 04-O-1039 5. 04-O-1040 6. 04-O-1041 7. 04-O-1042 8. 04-O-1196 9. 04-O-1013 10. 04-O-1014 11. 04-O-1050 12. 04-O-1054 13. 04-O-1055 14. 04-O-1058 15. 04-R-1152 16. 04-R-1153 17. 04-R-1158 18. 04-R-1193 19. 04-R-1155 20. 04-R-1149 21. 04-R-1150 22. 04-R-1033 23. 04-R-1146 24. 04-R-1148 25. 04-R-1159 26. 04-R-1160 27. 04-R-1161 28. 04-R-1187 29. 04-R-1188 30. 04-R-1189 31. 04-R-1190 32. 04-R-1191 33. 04-R-1192	34. 04-R-1163 35. 04-R-1164 36. 04-R-1165 37. 04-R-1166 38. 04-R-1167 39. 04-R-1168 40. 04-R-1169 41. 04-R-1170 42. 04-R-1171 43. 04-R-1173 44. 04-R-1174 45. 04-R-1175 46. 04-R-1176 47. 04-R-1177 48. 04-R-1179 49. 04-R-1180 50. 04-R-1181 51. 04-R-1182 52. 04-R-1183 53. 04-R-1184 54. 04-R-1185 55. 04-R-1186

04-12-1193
(Do Not Write Above This Line)

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PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

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731001 (NON-DEPARTMENTAL) AND
FOR OTHER PURPOSES.

Jerry L. DeLoach
Deputy City Attorney

As Amended

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred
Referred To:
Date Referred
Referred To:
Date Referred
Referred To:
Date Referred
Referred To:

First Reading

Committee
Date
Chair
Referred To

PS Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

ADOPTED BY

JUL 06 2004

COUNCIL

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

CERTIFIED

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ RC Vote

JUL 06 2004

COUNCIL PRESIDENT (PROTEM)

JUL 06 2004

Ronald D. Langston & Associates
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAYOR